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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/178,329	10/23/1998	MICHAEL R. NOWAK	053649-0003	4360

20572 7590 02/13/2002

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EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 02/13/2002

19

Please find below and/or attached an Office communication concerning this application or proceeding.

AS -19

Office Action Summary	Application No.		Applicant(s)	
	09/178,329		NOWAK ET AL.	
	Examiner		Art Unit	
	Monique R Jackson		1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The request filed on 11/14/01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/178329 is acceptable and a CPA has been established. An action on the CPA follows.
2. The amendment filed 11/14/01 has been entered. Claims 15-16 and 18-21 have been canceled. Claims 1, 5-6 and 8-12 are pending in the application.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. Claims 1, 5, 6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitamura et al (USPN 5,139,835.) Kitamura et al teach a synthetic resin laminated paper useful for general wrapping or packaging consisting essentially of a synthetic resin film layer such as polyethylene and a paper layer laminated together via an extrusion or hot melt coating layer comprising a mixture of an adhesion-release control agent such as a wax and a synthetic resin such as polyethylene, wherein Kitamura et al specifically teach examples utilizing paper such as kraft paper with a basis weight within the instantly claimed range laminated to polyethylene or polypropylene which is solid during lamination to said paper (Col. 1, line 18-Col. 2, line 54; Col. 3, lines 1-3; Examples.)

Claim Rejections - 35 USC § 103

5. Claims 1, 5-6 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura et al. The teachings of Kitamura et al are discussed above. Though Kitamura et al teach examples utilizing paper within the instant claim limitations, Kitamura et al do not

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specifically teach that the paper layer is limited to a basis weight of 20-60 lbs/3,000 sq.ft. or that one of the composite layers is metallized, however metallization or the incorporation of a metallized layer in a packaging composite material is well known and conventional in the art to provide improved barrier properties for a given packaging application, and it would have been obvious to one having ordinary skill in the art to utilize a conventional metallization process on the paper substrate or polymer layer to provide the desired improved barrier properties, such as moisture and vapor barrier properties, for a particular packaging application and further to utilize routine experimentation to determine the optimum basis weight of the paper substrate taught by Kitamura et al for a particular packaging application given that basis weight is a known result effective variable affecting the mechanical properties of the composite such as flexibility.

Additionally, though Kitamura et al do not teach the addition of pigments to one or more layers of the composite, the use of pigments is well known and conventional in the art to provide the desired color of the resulting product, and would have been obvious to one having ordinary skill in the art at the time of the invention. Further, given that it is conventional in the art to wrap reams of paper with polyethylene-coated paper packaging materials, it would have been obvious to one having ordinary skill in the art to utilize the polyethylene coated paper wrapping or packaging material taught by Kitamura et al as a ream wrap or other suitable packaging material.

6. Claims 1, 5-6, 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasson et al (USPN 6,036,803.) Lasson et al teach a packaging material consisting essentially of a core layer 9 of paper or paperboard laminated to a polyethylene-aluminum foil laminate 7 (metallized polyethylene film) via an intermediary layer of extruded polyethylene 16 (hot melt adhesive) (Abstract; Figure 1.) Though Lasson et al do not specifically teach the type

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and basis weight of the paper core layer 9 as instantly claimed, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize any paper substrate suitable for packaging materials or to determine the optimum basis weight and type of paper to utilize for a particular packaging application given that basis weight is a known result effective variable affecting the mechanical properties of the composite such as flexibility. Further, though Lasson et al do not teach the addition of pigments to one or more layers of the composite, the use of pigments is well known and conventional in the art to provide the desired color of the resulting product, and would have been obvious to one having ordinary skill in the art at the time of the invention.

7. Claims 1, 5-6, 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott (USPN 2,154,474.) Scott teaches a film welding process for uniting a pre-formed plastic film to a base material of paper, fabric or metal to produce a composite material which is coated on one or both sides with a water-proof film wherein the film provides a transparent or decorative coating on one or both sides of the paper which enhances the decoration or printing upon the paper and gives the paper qualities of repelling water, odors or the like, suitable for use as a wrapper for goods (Page 1, 2nd Column, lines 1-6; Page. 2, 2nd Column, line 69-Page 3, 1st Column, line 2; Claim 1.) The process comprises feeding a sheet of film 15 and a coterminous sheet of paper, fabric or metal 16 with their edges in registration or continuous webs of film 19 and paper 20 through a pair of rollers to firmly unite the two by the monetary pressure and heat from the rollers wherein the adhesion between the paper and the film is facilitated by a thin skin or coating on film 15 of suitable natural or artificial resin which becomes adhesive when heated or by a thermo-adhesive material such as polymerized vinyl acetate applied to the continuous

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paper web (Page 1, 2nd Column, line 51-Page 2, 1st Column, line 22; Figures 1-2.) Though Scott does not specifically teach the type and basis weight of the paper or fabric as instantly claimed, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize any paper or fabric substrate suitable for packaging materials or to determine the optimum basis weight and type of paper or fabric to utilize for a particular packaging application given that basis weight is a known result effective variable affecting the mechanical properties of the composite such as flexibility. Further, though Scott does not specifically teach the addition of pigments to one or more layers of the composite, the use of pigments is well known and conventional in the art to provide the desired color or decorative characteristics of the resulting product, and would have been obvious to one having ordinary skill in the art at the time of the invention. With regards to Claim 12, though Scott teaches that the film may be laminated to paper, fabric or metal, Scott does not teach that a film-paper composite comprises a film or paper layer further comprising a metallized surface. However metallization or the incorporation of a metallized layer in a packaging composite material is well known and conventional in the art to provide improved barrier properties for a given packaging application, and it would have been obvious to one having ordinary skill in the art to utilize a conventional metallization process on a surface of the paper substrate or film layer to provide the desired improved barrier properties, such as moisture and vapor barrier properties, for a particular packaging application.

8. Claims 1, 5-6, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as unpatentable over Brinley (USPN 5,098,497.) Brinley teaches an embossed coated paper prepared by a process in which a polymer film, preferably a polyethylene film, is laminated to a paper web, utilizing an extrusion coated resin interlayer, preferably a polyethylene extrusion (hot melt adhesive),

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therebetween; wherein the paper web may be any of the papers conventionally known in the art for preparing coated papers, such as for example, kraft paper or natural or synthetic pulp paper, may additionally comprise pigments, coloring agents, or other conventional paper adjuvants, and may range in thickness from about 5 mils to about 300 mils (Abstract; Col. 2, line 29-Col. 3, line 16; Figure 1.) Though Brinley does not specifically teach a basis weight of the paper as instantly claimed, it would have been obvious to one having ordinary skill in the art at the time of the invention to determine a suitable basis weight to utilize for a particular application of the coated paper given that basis weight is a known result effective variable affecting the mechanical properties of the composite such as flexibility.

Response to Arguments

9. Applicant's arguments and declaration filed 11/14/01 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 703-308-0428.

The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



mrj

February 6, 2002


Paul Thibodeau
Supervisory Patent Examiner
Technology Center 1700